

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS E. PEREZ,
Secretary of Labor,

Plaintiff,

v.

WPN CORPORATION, RONALD
LABOW, SEVERSTAL WHEELING,
INC. RETIREMENT COMMITTEE,
MICHAEL DICLEMENTE, DENNIS
HALPIN, WHEELING CORRUGATING
COMPANY RETIREMENT SECURITY
PLAN, and SALARIED EMPLOYEES'
PENSION PLAN OF SEVERSTAL
WHEELING, INC.,

Defendants.

Civil Action No. 14-1494

District Judge Nora Barry Fischer

MOTION HEARING

Before Judge Nora Barry Fischer

John M. Strawn, Esq.
Appearing for Plaintiff

Michael J. Joyce, Esq.
Appearing for Defendants

Charles Kelly, Esq.
Appearing for Defendants

Hearing Begun: 2/7/2017 at 1:00 p.m.
Hearing Concluded: 2/7/2017 at 2:15 p.m.

Hearing Adjourned: N/A
Court Reporter: R. Ford
Law Clerk: E. Knaus

The Court convened a hearing and held oral argument on the Motion to Dismiss and, in the alternative, Motion for Summary Judgment (Docket No. 124) filed on behalf of the Severstal Wheeling, Inc. Retirement Committee, Michael DiClemente, and Dennis Halpin. Upon consideration of the parties' oral arguments and briefing (Docket Nos. 125, 130, and 134), as well as pertinent case law, statutes, and regulations, the Court indicated that it would take the matter under advisement. Leave was granted for the above Defendants' counsel to file

supplemental briefing regarding their fiduciary duty to monitor by no later than March 3, 2017; Plaintiff's response shall be filed by March 15, 2017. The Court ordered preparation of the transcript, the cost of which shall be borne equally by the parties participating in the hearing. Counsel for WPN Corporation and Ronald LaBow were not present.

An appropriate order will follow.